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REMARKS

Replacement drawing sheet for Figure 6 is attached hereto. Figure 6 has been amended to add reference numerals 168 and 170 (see Specification Amendments herein); and reference numeral 162 has been changed to 152 to correspond to the specification.

By this amendment, claim 1 has been amended, and claim 5 has been canceled, leaving claims 1-4 pending in this case, and the same are presented for consideration in view of the following remarks. Claim 1 now includes the limitation of canceled claim 5 with additional clarification regarding the use of sealed partitions used to establish fold lines. These fold lines run lengthwise along the pad, but include gaps to facilitate fluid transfer. A change has been made to the specification on page 4 in this respect.

Claim 5 was previously rejected over the combination of Morgan et al. ('106) in view of Meckstroth ('757). However, Applicant disagrees that it would have been obvious to provide the sheath 23 of Morgan et al. with partitions "to more effectively circulate the chemical solution." Firstly, the sheath of Morgan does not lend itself to any "partitions" in any practical sense. Indeed, the sheath 23 of Morgan includes an inner wall 25 and an outer wall 27 constructed of "chipboard which is a thin cardboard type material which insulates the heat within the interior of the sheath 23." (See column 4, lines 45-51). Thus, since it is already in sheath form, and constructed of a material having spaced-apart walls, there is no reason or practical implementation of "partitioning." Furthermore, although the Examiner states that this would be obvious to provide "to more effectively circulate the chemical solution," the solution is not really circulated in the sense that the fluid is circulated in the '757 patent to Meckstroth.

It is well settled that in rejecting claims under 35 U.S.C. §103, the Examiner must provide a reason why one having ordinary skill in the pertinent art would have been led to combine the cited references to arrive at Applicant's claimed invention. There must be something *in the prior art* that suggests the proposed combination, other than the hindsight gained from knowledge that the inventor choose to combine these particular things in this particular way. Uniroyal Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988). The Examiner is also required to make specific findings on a suggestion to combine prior-art references. In Re Dembeczak, 175 F.3d 994,

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1000-01, 50 USPQ2d 1614, 1617-19 (Fed. Cir. 1999). In this case, since there is no teaching or suggestion from the prior art in support of the Examiner's argument, and since Morgan et al. teaches away from partitioning, *prima facie* obviousness has not been established.

Based upon the foregoing amendments and comments, Applicant believes all pending claims are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

By: \_\_\_\_\_

John G. Posa  
Reg. No. 37,424  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, PC  
PO Box 7021  
Troy, MI 48007-7021  
(734) 913-9300 FAX (734) 913-6007  
Email: [jposa@patlaw.com](mailto:jposa@patlaw.com)

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